wards, and I know we have no way to put them out. But on the other hand, should we allow one or two delegates to stop the function and the progress of the total convention?

It's understood that we have a time limit. It's understood that 90 days was imposed upon us. We would have much rather had a longer period of time in which to deliberate and debate these issues, but we don't. And the reality of the situation is that whether we like it or not, we have a 90-day period in which to draw this constitution up.

So, Mr. Chairman, even though I understand some of the emotion and sentiment that is reflected when we say we don't want to censor another delegate, or what have you, we must have a process for discipline.

Now, I think it behooves every delegate in here who criticizes the motion that was made to offer an alternative process by which we can discipline fellow delegates. I don't think it serves any purpose just to criticize. I think if they are serious and they have shown themselves to be serious, as a part of their criticism they will offer alternatives.

MR. BALDWIN: Delegate Oulahan and delegate Nahikian.

MR. OULAHAN: Mr. Chair, may I suggest that the issue of the motion is now moot, the delegate involved having departed the hall?

MR. BALDWIN: Delegate Nahikian?

MS. NAHIKIAN: Yes. Mr. Chairman, I just think that it is important to establish clearly the record on this issue. Delegate Jones made a motion. Delegate Jones' motion was that the body censor delegate Corn in the following manner, and that is that she not be allowed to continue to speak the rest of this evening.

Prior to debate on that issue, prior to a vote on that issue, delegate Corn herself chose to stand up and announce her resignation as chairman of Style and Drafting, and chose to leave the hall. And I think that we should be very clear and on the record that any removal of the delegate was never even discussed. The motion was never even discussed, and delegate Corn removed herself by choice. Thank you.

MR. BALDWIN: Thank you. Any further discussion?

MR. LOVE: I move the orders of the day.

MR. BALDWIN: The orders of the day have been called for. Those in favor of the Jones amendment --

MR. B. MOORE: Mr. President, you asked for further discussion. I had my hand up.

MR. BALDWIN: No, sir, delegate Brian Moore. We will vote at this point.

Those in favor of the --

MR. SCHRAG: What are we voting on?

MR. BALDWIN: On the Jones amendment; that's what's on the floor now.

MR. SCHRAG: An amendment to what?

MR. COOPER: An amendment to Maguire's motion.

MR. BALDWIN: I mean her motion; she made a motion. She called for a point of personal privilege. Her motion was in order.

MR. SCHRAG: Parliamentary inquiry, Mr. President.

MR. BALDWIN: Yes?

MR. SCHRAG: Delegate Oulahan, I think, made a cogent remark suggesting that this motion was moot, delegate Corn now having left the hall. And delegate Nahikian made, I think, another telling point suggesting that it would be prudent for this convention not to act on this motion, in view of the fact that we would get ourselves into a potential quagmire over whether we have the power to act in this particular way when it's totally unnecessary, delegate Corn having left the hall.

My inquiry is, can you rule this moot, in view of Oulahan's suggestion, so we need not --

MR. BALDWIN: I can't rule it moot, but the maker of the motion can withdraw it, if she wishes. If not, as you know, Mr. Schrag, we'll have to act on it.

MR. COOPER: We should have considered those ramifications before putting that motion on the floor.

MS. JONES: Mr. Chairman, I have to conditionally withdraw the motion, because if delegate Corn comes back into the hall, and she might, and begins the things that she did before, then I will have to raise the point again. Now, I'll withdraw it as long as you will recognize me, if she comes back into the hall and starts in the same manner she left, to make the motion again. On those qualifications, I will withdraw.

MR. BALDWIN: Will the person who seconded the motion concur?

(No response.)

MR. BALDWIN: Who seconded the motion, Mr. Secretary?

MR. COOPER: Mr. Thomas.

MR. THOMAS: I concur.

MR. BALDWIN: Mr. Thomas withdraws also, so the full body will now move to the Maguire motion. What was her motion?

MR. COOPER: Her motion was to impose a penalty.

MS. NAHIKIAN: She didn't make a motion.

MR. COOPER: She made a motion.

MS. MAGUIRE: I didn't make a motion.

MR. BALDWIN: She says it's off the floor, okay. We don't have it, Mr. Secretary. If she says it's not there, it's not there.

MR. COOPER: But the record clearly shows that she made a motion. It was seconded.

MR. BALDWIN: But she says she's withdrawing it, if she did.

MS. MAGUIRE: I was making a point of order.

MR. BALDWIN: Right, thank you.

MR. COOPER: I heard "motion."

MR. BALDWIN: If she says she didn't, she didn't.

Are there any additional amendments to Section 11?

(No response.)

MR. BALDWIN: Having heard none, your motion is in order, Mr. Terrell.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 11, as read.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 11, as amended. Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(No response.)

MR. BALDWIN: In fact, it's Section 10.

MS. NAHIKIAN: Thank you.

MR. BALDWIN: Those in favor of adopting Section 10, as amended, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 10 has been adopted. Section 11?

MR. TERRELL: Fellow delegates, I move the adoption of Section 11, as stated in the committee proposal.

(The motion was duly seconded.)

MR. TERRELL: "Organization and Procedure," Section 11.

MR. BALDWIN: Was there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 11.

MR. BALDWIN: The Chair does not have any amendments before him. It is now open for discussion from the floor. Delegate Simmons and delegate Rothschild.

MS. SIMMONS: Unless there was discussion, I was going to move, Mr. President, the previous question.

(The motion was duly seconded.)

MS. NAHIKIAN: Question.

MR. BALDWIN: In order to do this, we need two, unless it's by consensus. So, let me see what these two hands are, delegate Simmons.

MR. ROTHSCHILD: I just have a question.

MR. BALDWIN: Question?

MR. ROTHSCHILD: Yes. What did the committee intend by "It may compel the attendance of absent members?" What was the type of procedure that you had in mind, or what was the thinking that went behind that?

MR. LONG: This is a common phrase in most state constitutions, and it means that the appropriate authority, which would be designated by the legislature, can go out and take, by force, a member of the legislature and bring that person back. In Texas, they send out the state troopers and they grab them and bring them back and lock the door, the reason being that the compelling duty of a legislator is so overwhelming in the public interest that their personal right to absent themselves from the chamber is abrogated.

MR. KAMENY: In California, they go out and get them.

MR. BALDWIN: If there are no further questions --

MS. NAHIKIAN: One quick question. On line 21 where it reads, "The Legislature shall choose its presiding officer from among its members," does that conflict with the earlier discussion in section --

MR. TERRELL: No.

MS. NAHIKIAN: There is no conflict?

MR. TERRELL: What we adopted yesterday speaks to the --

MR. SCHRAG: It's the same thing; it's identical.

MR. TERRELL: It's the same thing; it's identical.

MR. SCHRAG: We can remove it.

MS. NAHIKIAN: Okay, thank you. That was my question.

MR. TERRELL: It's consistent.

MR. BALDWIN: If there is no further discussion or questions, will the floor entertain the previous question by consensus?

(No response.)

MR. BALDWIN: So ordered. You may make your motion, Mr. Terrell.

MR. TERRELL: I move the adoption of Section 11, as written.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 11. There were no amendments, were there?

MR. TERRELL: No amendments.

MR. BALDWIN: Okay. Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 11 has been adopted. Section 12?

MR. TERRELL: Fellow delegates, I move the adoption of Section 12, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 12.

MR. BALDWIN: The Chair doesn't have any amendments. Discussion?

MS. SIMMONS: Move the previous question.

MR. BALDWIN: The previous question has been called for. Can we do it by consensus?

MS. SIMMONS: Yes.

MR. COOPER: Yes.

MR. BALDWIN: Those in favor of adopting Section 12, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those who oppose, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: So ordered; we've adopted Section 12. Section 13?

MR. TERRELL: Fellow delegates, I move the adoption of Section 13, as presented in the committee proposal. Mr. Vice President, there are two minority reports from delegate Love and delegate Jones.

(The motion was duly seconded.)

MR. BALDWIN: Is there any discussion on Section 13?

MS. JONES: There's a minority report.

MR. LOVE: Two minority reports.

MR. BALDWIN: I'm sorry. We have two minority reports.

MR. TERRELL: Delegate Love and delegate Jones.

MR. BALDWIN: Delegate Love?

MS. JONES: Mr. President, I move that on line 11, we delete "available" and the prepositional phrase "from day to day." The sentence starting on line 9 will read, "The Legislature shall keep a journal of proceedings and those of all its committees which shall be available and promptly published."

(The motion was duly seconded.)

MS. JONES: We're only deleting the prepositional phrase "from day to day" on line 11. Delegate Love wants me to put in --

(Pause.)

MR. BALDWIN: Do you want some time to get your amendment together?

MS. JONES: No, no.

MR. BALDWIN: Okay. What are we deleting?

MS. JONES: "Shall be available to the public and properly published."

MS. NAHIKIAN: Substitute "to the public" for "from day to day."

MR. BALDWIN: Yes, the secretary says he has it.

Questions?

MR. KAMENY: May I ask the maker her reasons for wanting to delete "from day to day," so I understand what her purpose is?

MS. JONES: Because it doesn't make sense. A journal is a daily published thing anyway. We keep putting in words and moving stuff around.

MR. BALDWIN: Delegate Oulahan?

MS. JONES: Excuse me. A point of information, Mr. Chairman?

MR. BALDWIN: Yes?

MS. JONES: Should I move all of -- no, I'll do them one by one.

MR. BALDWIN: Okay. Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I move a substitute to the motion. The substitute is to revise the language at the end of Section 13 which will take care of the amendment proposed by delegate Jones. The amendment is as follows: "A verbatim or electronically recorded record of the Senate's proceedings and the reports of standing committees shall be published and made available to the public on request."

(The motion was duly seconded.)

MR. OULAHAN: Mr. Chairman, my motion has been seconded, and let me explain the reasons for it.

MR. ROTHSCHILD: Would you repeat it, please?

MR. BALDWIN: You need to read it again slowly, Mr. Oulahan.

MR. OULAHAN: I have a copy up there, Mr. Chairman.

MR. BALDWIN: Okay, thank you.

MR. OULAHAN: Mr. Chairman, my substitute is to take the last paragraph of this section and revise it as follows, and I will explain the reasons. "A verbatim or electronically recorded record of the Senate's proceedings and the reports of standing committees shall be published and made available to the public on request."

The reason, Mr. Chairman, is this: I'm trying to draw an analogy between the Congressional Register and a publication to be published by our state which will be available on a reasonably daily basis. The amendment would provide for verbatim proceedings of the Senate, plus committee reports. Therefore, the public could buy these and have them available.

I would like to point out, Mr. Chairman, that I know of no legislature, including the federal Congress, that publishes verbatim proceedings of standing committees. Sometimes, you can get a typed transcript; sometimes, they will put it in a report. But it is not done on the same daily basis as the proceedings of the House and Senate.

This is to strengthen the provisions made by the committee, and I think the committee and delegate Jones should be congratulated on doing this. I think my language covers it just a little more completely.

MR. KAMENY: Where exactly does your provision go in? I'm not quite clear.

MR. LONG: Lines 19 through 21.

MR. COOPER: It only goes on line 20; he's inserting two words.

MR. BALDWIN: The secretary says he's only inserting two words on line 20. Can you state those two words?

MR. COOPER: Following the word "be" on line 20 is the insertion of the words "public and."

MR. BALDWIN: "Public and?"

MR. COOPER: Yes.

MR. SCHRAG: Point of inquiry.

MR. BALDWIN: Yes?

MR. SCHRAG: I think there's a third word in Mr. Oulahan's motion, and that is to substitute the word "reports" for the word "those" in the same line. I think I heard him say that.

MS. NAHIKIAN: Would you like to read it again?

MR. ROTHSCHILD: What is the language, and where does it go in?

MS. MAGUIRE: How does it read?

MR. BALDWIN: Mr. Oulahan?

MR. OULAHAN: Yes?

MR. BALDWIN: We're discussing your amendment. Did you use the word "reports" instead of something else?

MR. OULAHAN: I'll read it again. "A verbatim or electronically recorded record of the Senate's proceedings" -- that's in the language at the bottom -- "and the reports" -- I inserted that -- "of standing committees shall be published," and then you use the rest of the language.

The difference is that rather than have a transcript of standing committee proceedings made available to the public automatically, you would only include in the state register the reports of committees along with the verbatim transcript of proceedings of the Senate, similar to the Federal Register.

Incidentally, this can be done by offset rather than by typing to cut down on costs. There's no need that it be printed in hard type. It can be done by offset to save money.

MR. BALDWIN: Discussion? Delegate Shelton and delegate Hilda Mason.

MS. SHELTON: May I ask the committee whether it's the committee's intent that these documents would be made available without cost?

MR. TERRELL: Cost to whom?

MS. SHELTON: Cost to the public desiring --

MR. TERRELL: No, no.

MS. SHELTON: So, "made available" means "accessible" too?

MR. TERRELL: Exactly.

MS. SHELTON: Thank you.

MR. BALDWIN: Delegate Hilda Mason?

MS. MASON: I'd like to ask the mover of the motion if I am to interpret this to mean that the reports of the standing committees will be electronically recorded. They will come from a record, right -- an electronically recorded --

MR. OULAHAN: I'm very glad to answer this. The transcript of the Senate obviously has to come from some electronically recorded report. The reports of the committee will be merely the typed reports of the committee that come out and go to the printer for inclusion in the daily register.

Let me tell you why I'd like to see that.

For example, we have a new antitrust law in the District of Columbia which, to some people, is unintelligible. However, there's a very good committee report that was prepared on that law which is not published. The only way you can find out about it is to call the corporation counsel's office and ask for a copy. Those are the kinds of things that I think the public should have the benefit of today and in the future to be better informed.

MS. MASON: Mr. Chairman, may I pursue this?

MR. BALDWIN: Yes.

MS. MASON: My unanswered question still is, the committees now -- I think the Board of Education still does, and I know the Council -- these committees' meetings are recorded verbatim, and the staff people take from those recordings the information to build into the reports. I want to know if that is intended to be maintained in your motion, or will there be a recording from which we can get the information?

MR. OULAHAN: Mr. Chairman, I'm no expert. The most expeditious and least expensive method of transcription, whether it be done the way we have here tonight or whether it be done by loud speakers and recordings around the hall which are edited, or whether it be done automatically by IBM machine where the voice goes in and gets printed on the page -- whatever is the least expensive method of reproduction.

MR. BALDWIN: Delegate Nahikian and delegate Simmons.

MS. NAHIKIAN: Mr. Vice President, I'd like to address a question to the committee, as well as possibly to our legal counsel. The issue that I speak to is one that has recently been brought to my attention, and that is that the record currently of the D. C. Council and the way that record is kept makes it impossible to search out a particular member's voting record because of the way they record votes by all voice votes. There is no transcript available; it makes it impossible to search the record.

The second problem is that there is a new proposal -- and Hilda Mason might have other information on this -- there's a new proposal in the Council to let a number of items to be considered as one resolution with one yea or nay voice vote that then does not allow you to search out how individual members voted on individual issues.

The question I have is whether or not the language used on lines 11, 12, 13 and 14 accommodate that concern. It says, "The journal shall contain all motions made and the votes on them." It does not indicate how the votes would be required.

The point I'm making is that the legislature has a tendency to hide its own record from the public for obvious reasons, and I'm wondering what the committee's response is on this and what the legal counsel may have to say.

MR. TERRELL: Delegate Long will respond for the committee.

MR. LONG: One thing I would say is that the discussion is now getting very confused. We have another amendment, and now we have a question on another topic, but I can respond to the topic.

When it says, "The journal shall contain all motions made and the votes on them," it implies there that it's not a roll call vote; that's just so many voting for and so many voting against. The next line determines the record vote, which is equivalent to a roll call vote. As the sentence goes on, it says under what conditions a record vote -- that is, a recorded vote with names --

MS. NAHIKIAN: A record vote would be a roll call vote, right?

MR. LONG: A roll call vote; under what conditions they would be taken. "On any vote deciding final passage or defeat, on any vote to defer consideration of a question" -- the reason for that phrase is that one way to dispose of things without dealing with them is just to make a motion to defer, and that is a disposal and you want to know who voted to do that.

"On any vote at all, by demand of four members" -- in other words, ten percent of the body, with 40 members -- and then the end of the sentence deals with what will happen with committee votes: "any vote for final approval of any committee report or any member can demand a record vote." So, not every vote would be a record vote, but every motion made would be recorded.

Now, I've passed out examples of what a journal looks like. It's not a verbatim transcript; it's a digest of what has happened. So, when delegate Oulahan is talking about the end of this section, 19 through 21, he's referring to a transcript, essentially. The first paragraph, which runs from 6 through 18, refers to a journal, which is a different animal. You should keep those distinctions clearly in mind.

MR. BALDWIN: Thank you, Mr. Long, for your clarification. We have heard from several of you. Delegate Simmons, then delegate Moore.

MS. SIMMONS: I think that the intent of the committee here to make available for the public the actions that are taken -- for those purposes, I thought lines 19 through 21 were lines that would permit not just actions, because that's what the journal is, but verbatim transcripts. I believe that that's the purpose, and that is what the Board of Education has. But it also keeps the tapes, so that someone who wanted to hear the tone of the discussion and not just the dry written transcript, because many times there are some important kinds of information that one gets from an oral transcript that one does not get from a written transcript -- in the first place, the electronics are not perfect, and I have known the total sense of a sentence to be distorted by using the wrong synonym, because the transcriber heard the word, but without the sense of what was going on, they used the synonym which was spelled differently and absolutely destroyed the sense of what the person was saying.

So, I'm saying that all of those records are important, and I would hope that the amendment that delegate Oulahan was making was not for purposes of eliminating the electronic record; that that should be part of the body's history. But, rather, he was, in addition, suggesting that a transcription, verbatim, would also obtain.

MR. OULAHAN: Mr. Chairman, I accept the explanation by my friend. The words "electonically recorded record" -- the word "record" there should be "transcript." That's exactly what I intended, and I refer to the Federal Register.

MR. BALDWIN: I think Mr. Long has raised a very good point, and the Chair will so order, that we treat lines 19 through 21 which is the Oulahan -- he referred to it as a substitute motion, but the Chair would keep that as an amendment, and delegate Jones' will also serve as a separate amendment because what delegate Long has stated, and correctly so, is that if we adopt 19 through 21, it still would not deal with the journal.

MR. OULAHAN: I accept that.

MR. BALDWIN: So, at this point we will vote on -- I'm sorry. Delegate Moore?

MR. B. MOORE: I have a question regarding line 16.

MR. BALDWIN: We're not there, sir.

MR. B. MOORE: Okay.

MR. BALDWIN: We'll deal strictly now with the Oulahan motion. Those in favor --

MR. LOVE: The Jones amendment.

MR. BALDWIN: No, no. He spoke last, as you recall, so we'll get his out of the way and then we'll go to Jones'.

We're now voting on the Oulahan amendment which substituted some language between 19 and 21. If you need a refresher, the secretary will refresh you before we vote. That is in order, Mr. Secretary.

MR. COOPER: As amended, it would read, "A verbatim or electronically recorded record of the Legislature's proceedings" --

MS. SIMMONS: Transcription.

MR. COOPER: Pardon?

MS. SIMMONS: He accepted the word "transcription."

MR. COOPER: He accepted the word "transcription?"

MS. SIMMONS: For "record."

MR. BALDWIN: For "record."

MR. COOPER: Could you all please speak up?

MR. BALDWIN: He accepted "transcription."

MR. COOPER: "A verbatim or electronically recorded transcription of the Legislature's proceedings and the reports of standing committees shall be published and made available to the public on request."

MR. TERRELL: Mr. Oulahan, is that correct?

MR. BALDWIN: Yes, he said he accepted it. Mr. Oulahan, is that correct?

MR. OULAHAN: Yes.

MR. BALDWIN: Delegate Mason, what is your position?

We're getting ready to vote.

MR. MASON: My concern was simply that I didn't think the maker of the motion intended to eliminate the electronic recording of the committee proceedings, but only to say that the report would be available. There would still be an electronic recording, and I didn't want the language to appear to eliminate the electronic recording; only to add in addition that there would be a report available.

MR. OULAHAN: I accept that, Mr. Chairman.

MS. SIMMONS: It doesn't eliminate it.

MR. BALDWIN: The secretary does not have it. He only has the amended motion that you gave.

MR. COOPER: How much stuff are you going to let him pile on top of a motion that is already before us?

MR. KAMENY: I move the previous question.

MR. BALDWIN: The previous question has been called for. Those in favor of the Oulahan amendment, signify by raising your hands.

MR. ROTHSCHILD: Point of order. It's not clear which ones have been accepted and which ones are changed.

MR. BALDWIN: Just a second, please. Mr. Secretary, it's not clear. Would you read the Oulahan motion again, please?

MR. COOPER: "A verbatim or electronically recorded transcription of the Legislature's proceedings and the reports of standing committees shall be published and made available to the public on request."

MR. BALDWIN: Now, those in favor of the Oulahan motion, signify by raising your hands.

MR. COOPER: Eight.

MR. BALDWIN: Those opposed?

MR. COOPER: Fourteen.

MR. BALDWIN: Abstentions?

MR. COOPER: One.

MR. BALDWIN: The Oulahan amendment was rejected. Delegate Jones, we'll entertain your amendment. Delegate Jones, would you state your amendment, please, again for the delegates?

MS. JONES: My amendment?

MR. BALDWIN: Yes, your amendment, please.

MS. JONES: Starting at line 11, delete the prepositional phrase "from day to day," and put in "to the people."

MR. BALDWIN: "To the people?"

MS. JONES: "To the public," I'm sorry.

MR. BALDWIN: "To the public."

MS. JONES: Line 11.

MR. BALDWIN: As you know, the amendment was seconded; it was on the floor prior to Oulahan's. It's on line 11, deleting "from day to day" and inserting "to the public." Discussion?

(No response.)

MS. MAGUIRE: Question.

MR. BALDWIN: The question has been called for.

(The motion was duly seconded.)

MR. BALDWIN: By consensus, we'll --

MR. LONG: The committee would like to respond.

MR. BALDWIN: That's from the committee.

MR. COOPER: It's not from the committee.

MR. BALDWIN: What?

MR. COOPER: It's from delegate Jones.

MR. SCHRAG: It's minority.

MR. BALDWIN: Oh, he wants to rebut.

MR. COOPER: It's an amendment.

MR. BALDWIN: Okay, we'll allow one person from the committee. Delegate Long?

MR. LONG: Yes. The reason for the phrase "available from day to day" is that the journal is a daily -- as you can see in these copies that I passed out, it's published every day. The language in there appears in many constitutions, impelling the body to publish its journal on a daily basis. The word "journal," of course, does imply daily, but this makes it absolutely clear that it's supposed to be published on a daily basis so that each day's activities are together in one place and you can easily look at the digest. So, I urge you to keep the original language.

MR. BALDWIN: Delegate Jones, and then we'll vote.

MS. JONES: It is my understanding that "journal" means day to day. Delegate Long passed out some journals, and I was pleasantly surprised that the divine blessing was invoked by the Reverend Donald J. Caddy, and that happens every day. These journals come every day, and it was my understanding from looking up the word "journal" in several dictionaries that dealt with legislative bodies that "journal" meant day-to-day proceedings, and I don't think we need to say it twice. That's the reason why we moved to strike "day to day."

MR. BALDWIN: The Jones amendment in line 11, to delete "from day to day" and insert "to the public" -- that's on the floor and that's what you're voting on. Those in favor of the Jones amendment --

MR. ROTHSCHILD: Point of order, Mr. President.

The question has not been called.

MR. BALDWIN: It had been called for prior to that and, if you will recall, we said "by consensus," but we only allowed the committee to speak to that prior to that. Therefore, we are now voting.

Those in favor of the Jones amendment, signify by raising your hands.

MR. COOPER: Thirteen.

MR. BALDWIN: Those who are in opposition to the Jones amendment, raise your hands.

MR. COOPER: Six.

MR. BALDWIN: Abstentions?

MR. COOPER: Four.

MR. BALDWIN: The Jones amendment was adopted. Are there further amendments to Section 13? Delegate Love, is this a minority report?

MR. LOVE: Yes.

MR. BALDWIN: This is the minority report.

MR. LOVE: Fellow delegates, I'd like to add one sentence to the end of this section here. Basically, we've been very good about opening meetings to the public and keeping a transcript of them. The only thing we haven't done is make provision for notifying the public that meetings are going to take place. So, I have a very simple sentence that's on page 8 of my minority report, which just says, "Adequate public notice of all meetings of the Legislature and its committees, including the agenda, shall be published in advance."

(The motion was duly seconded.)

MS. MASON: Point of order.

MR. BALDWIN: State your point of order, please.

MS. MASON: I don't know where that goes.

MR. LOVE: I'm just going to put it at the end of Shetsentl3n.

MR. BALDWIN: At the end of the section.

MS. MASON: At the end of Section 13. Thank you.

MR. LOVE: If Style and Drafting wants it somewhere else --

MR. BALDWIN: Discussion on the Love amendment?

(No response.)

MS. SIMMONS: Previous question.

MR. BALDWIN: The previous question has been called for. Those in favor of the Love amendment, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(There was one "nay.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Love amendment has been adopted. Delegate Brian Moore and delegate Shelton and delegate Rothschild.

MR. B. MOORE: Yes, just a point of inquiry on line 16. I think Mr. Long addressed this issue. You have "on the demand of four members," but that apparently was put in there prior to the vote on the numbers of legislators that there would be. So, now it's one-tenth, but before it was one-sixth.

MR. LONG: The rationale was not percentage. The numbers varied from state to state. Every state has a number and it ranges from one to five. We picked the upper end of the range; that's all.

MR. BALDWIN: It wasn't based on percentage?

MR. LONG: No, not on the percentage.

MR. BALDWIN: The committee would like for the language to remain as is. Delegate Rothschild?

MR. ROTHSCHILD: I'm speaking to the same point, so I would like to amend it to say --

MS. WARREN: What line?

MR. ROTHSCHILD: Line 16. Shall I read the whole sentence or just the line?

MS. SIMMONS: Just the line.

MR. ROTHSCHILD: Okay.

MR. BALDWIN: Only insert what you would like, or delete what you'd like -- just state that, and that only.

MR. ROTHSCHILD: Line 16 would read, "indefinitely, and on any other vote, as determined by the procedural rules of the Legislature."

MR. BALDWIN: Is there a second to that motion?

(The motion was duly seconded.)

MR. BALDWIN: It has been seconded.

MR. ROTHSCHILD: If nobody likes it, just listen to what I have to --

MR. BALDWIN: Those in favor of the Rothschild --

MR. ROTHSCHILD: Let me explain why I did that. I thought we've been trying to leave out a lot of detail. Four members may appeal to us right now, but the legislature may decide that there's a number they want to work with and I don't think it's something we have to force on them. I think it's something they are quite capable of dealing with when they get together and making that decision. Thank you.

MR. BALDWIN: Is there further discussion?

(No response.)

MR. BALDWIN: Having heard none, those in favor of the Rothschild amendment, signify by saying yes.

(There were three "yeses.")

MR. BALDWIN: Those opposed, nay.

(A chorus of "nays.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Rothschild amendment was rejected. Mr. Terrell?

MR. TERRELL: Mr. Vice President, I move the adoption of Section 13, as amended.

(The motion was duly seconded.)

MR. BALDWIN: Delegate Shelton, I think, has an amendment in, the secretary says.

MS. SHELTON: I think, Mr. Chair, that my motion is a Style and Drafting concept, but I did want -- I don't think it would be necessary to amend, but I can offer this to Style and Drafting.

I think Council member Mason's point is that we would like to have all meetings recorded, both the committees and the proceedings, but there be a division in terms of what is transcribed -- the full proceedings of the Senate, as well as the reports of the committees. I think it should be handled by dividing two sentences, and I just offer this for Style and Drafting rather than proposing an entire amendment.

MR. BALDWIN: Thank you. Your point is so noted. You may go now with your motion.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 13, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 13, as amended. Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(One hand was raised.)

MR. BALDWIN: Section 13 has been adopted. Section 14?

MR. TERRELL: Fellow delegates, I move the adoption of Section 14, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports.

MR. BALDWIN: Are there amendments? Delegate Rothschild?

MR. ROTHSCHILD: I would just like to know what procedure there is or what the committee's thoughts have been on choosing chairs of committees -- how the procedure would be for the selection of --

MR. TERRELL: We've answered that. That's really up to the legislature to determine which committees, how the chairs will be chosen, and so forth.

MR. ROTHSCHILD: Okay.

MR. TERRELL: That's left up to the legislature.

MR. BALDWIN: The response was that it's up to the legislature. The previous question is in order by consensus. No other discussion?

(No response.)

MR. BALDWIN: Those in favor of adopting Section 14, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 14 has been adopted. Section 15?

MR. TERRELL: Fellow delegates, I move the adoption of Section 15, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority amendment, Mr. Terrell?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 15.

MR. BALDWIN: Discussion?

MS. SIMMONS: Point of information.

MR. BALDWIN: Delegate Simmons?

MS. SIMMONS: For my clarification, when you say "no law except by bill," does that mean "resolution?" Is that a generic term, or does it mean that even a resolution must be a bill?

MR. TERRELL: I'm going to ask Ms. Mason to speak for the committee on that.

MS. MASON: Mr. President and delegate Simmons, it means that nothing except something that is introduced as a bill can become a law -- no resolution or anything less than a bill.

MS. SIMMONS: Thank you. I just wanted to be sure.

MR. BALDWIN: Your point has been cleared?

MS. SIMMONS: Yes.

MR. BALDWIN: Further discussion on Section 15?

(No response.)

MR. BALDWIN: Having heard none, by consensus can we call the previous question?

(No response.)

MR. BALDWIN: Therefore, we shall vote. Those in favor of adopting Section 15, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 15 has been adopted. Section 16?

MR. TERRELL: Fellow delegates, I move the adoption of Section 16, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there are no minority reports for Section 16.

MR. BALDWIN: Discussion on Section 16? Delegate

Barnes, then Bruning.

MR. BARNES: Yes. I just have a question of the committee. Is this similar to the provision that exists in Nebraska in order to facilitate a unicameral legislature -- just a comment?

MR. SCHRAG: Mr. Barnes, this is not a provision that is found in the Nebraska constitution. It is similar to some provisions that are found in the Nebraska rules of procedure. However, Congressman Bereuter, who had served in the Nebraska unicameral legislature, told the committee that the rules of procedure of the Nebraska legislature, intended to protect the public against the lack of a second house as a check on poor legislation, are frequently abrogated by unanimous consent; that is, the legislature, because it's only a rule, can waive its rules, and it usually does so.

Therefore, we decided to build some checks into the constitution against hasty legislation. It would require, therefore, the concurrence of the governor to get around the two-reading rule. And this is a matter of the constitution, not of the rules, so that it would not be easy to waive.

MR. BARNES: Thanks.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: Yes. I believe, on line 19, 30 days is in conflict, or possibly in conflict, with the statute on sufferage, initiative, et al, in terms of when a bill shall go into effect. If it is, I would --

MR. SCHRAG: You're correct, delegate Bruning. Not only is the 30 days inconsistent with what we have done previously, but the next clause, "unless otherwise stipulated in the law," appears to me to be inconsistent, because as I understand the sufferage provision that was adopted, written by the committee on which you serve, the limit is not waivable by the legislature, except through the emergency procedure that is outlined in the section that we adopted.

Therefore, it would seem that to make this consistent with the provisions we have previously adopted, we should put a period after the word "laws" on line 18, and strike the rest of the sentence. Do you agree with that, that that would the way to make this consistent with what we have done before?

MR. BRUNING: That would certainly rule out the problem of 30 days from publication, and I guess that would refer it back to the sufferage section in terms of --

MR. BALDWIN: Delegate Schrag, would you put it in the form of a motion?

MR. BRUNING: I would move that we put a period after "laws" on line 18, and delete the rest, to bring it into conformity.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we place a period after "laws" on line 18 and delete the remainder of the sentence. Discussion, questions? Delegate Simmons?

MS. SIMMONS: Is it appropriate, Mr. Chair, for me to raise a question with regard to the latter part? I don't have a question on the deletion of that, but I do have a question on whether or not the committee suggests that it serves the public's best interest to have all legislation in those odd years die on that second Monday in January, and if indeed that isn't just a waste of energy for reintroduction a second time. I would just like some intelligence from the committee on that.

MR. BALDWIN: Delegate Schrag, would you respond to that?

MS. SIMMONS: I want to know the sacredness of having all that legislation die.

MR. SCHRAG: We put this in after some advice that it was very important to have --

MR. BALDWIN: Delegate Schrag, what line are we speaking to?

MR. SCHRAG: We're speaking now to lines 23 through 25.

MR. BALDWIN: I'm sorry, delegate Simmons. We should get the other off the floor.

MR. KAMENY: We have another amendment.

MS. SIMMONS: All right, very good.

MR. BALDWIN: The committee has concurred with delegate Bruning that we delete the remainder of the sentence on line 19.

MR. COOPER: That's an amendment that was on the floor.

MR. BALDWIN: Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: So ordered. Now, delegate Simmons, yours is in order. Delegate Simmons, yours is in order.

MS. SIMMONS: I guess what I'm really after is what makes this really profound. It seems to me that what we ought to be after is closure on legislation, and I don't think it's closure when simply, by a clock, it dies. I think that there ought to be some kind of requirement that says legislation introduced ought to be -- and if you want to say by that second Monday, then it has to be voted up or down. That way, people have to come to closure and they have to make decisions.

I certainly appreciate your not wanting legislation to linger around for a decade or two. But on the other hand, I think that sometimes we give credibility to things that should be acted upon because we reintroduce it and a bill is introduced nine times, and people tend to use that as a positive rather than a negative.

So, I'm just wondering about the closure on legislation as opposed to letting it die. That can be manipulated.

MR. SCHRAG: Mr. President, may I answer for the committee?

MR. BALDWIN: Yes, you may.

MR. SCHRAG: Delegate Simmons, this is a fairly important clause which the committee put in very deliberately and with a lot of thought. First of all, the reason that it says the second Monday in January is that's the date of the swearing in of new legislators.

This is a very important clause for a legislature with staggered terms.

MS. SIMMONS: You said it was important. I want to know why.

MR. SCHRAG: Because, otherwise, it could be said that the legislature is a perpetual, roll-over kind of body and all bills sit around forever. Now, a lot of those bills are going to be silly; a lot of those bills aren't going to be worthy of anybody's time. The way most legislatures deal with most bills is to ignore them; they don't get anywhere.

About 90 percent of the bills in the United States Congress never make it out of the Congress. A great percentage of those never even get a hearing in committee. The best way for the legislature to deal with a really poor idea that has no support is not to act on it.

Whereas, if, as you propose, the legislature were forced to act on every bill, no matter how silly, no matter how trivial, and no matter that it had been introduced as a favor to a constituent whom a member of the legislature owed some duty to, that would tie up the legislature, waste a lot of time, eat up the taxpayers' money, and be a great waste to the public.

Therefore, we put this in to have some way of killing bills that had been sitting around for a while and deserved to die.

MR. BALDWIN: Delegate Simmons, does that satisfy your concern?

MS. SIMMONS: No. Vice President Baldwin, what I'm trying to say is that this state legislature, because of our size and because of our capacity to communicate -- we do not have to duplicate the pathology that is in other legislative bodies.

I know about those pieces of legislation that happen in the United States Congress as a favor to a constituent or to wipe out taxes for your favorite lobbying group because, after all, the revenue doesn't come to them anyway; it just denies the District of its money.

What I'm saying is that the evaluation of a legislator, and therefore the caution to irresponsible and frivolous behavior, would indeed be to diminish the kind of ridiculous legislation, if it had to be acted upon. And it isn't until you act upon something that you evaluate it. Otherwise, you can have thousands of pieces of ridiculous legislation entered by somebody as a personal favor so they can go around and say, "Look, I knew you were interested in that and I introduced it," when they knew good and well that it was going to die and no one would ever have to act upon it. I get the benefit of looking like I have done something really fine and outstanding and wholesome when, in fact, I knew that it was foolishness in the first place.

I just wonder if there's anything wrong with this legislature, as a new body, being very clear and conscious about its acts and engaging in an evaluation. That's a question.

MR. BALDWIN: Delegate Moore?

MR. B. MOORE: Yes. A question in part (a) on line 11 regarding 13 days apart: if the state legislature sets up a term that's very short, is it conceivable that they could be in the middle of a bill and only passed it once and then their term expires?

MR. BALDWIN: Will the committee respond?

MR. SCHRAG: That could happen to those who serve the least. There is no ceiling; there is only a floor. If the legislature then comes into session 90 days later, it then can act on the legislation at that time. The only limitation is that there can't be a second Monday in January in between because all bills die at that point.

MR. BALDWIN: Are there further questions? Delegate Rothschild?

MR. ROTHSCHILD: Yes. I just have a question on line 9, "identical form." What is the precedent for that? I know what our City Council is right now. Did the committee consider the possibility that this may create problems in terms of dealing with legislation effectively; that there may be a small point that should be changed and it has to be left another 13 days?

Could it also open the possibility for obstructionist-type things in a 40-member body? Is there any answer to that?

MR. TERRELL: The delegate asked a question.

MR. SCHRAG: I'm sorry.

MR. BALDWIN: Further questions? We will vote on section -- delegate Robinson?

MR. ROTHSCHILD: Excuse me. I asked a question and I didn't get an answer.

MR. LOVE: As you know, there is only one state that currently has a unicameral body. Because you do not have two bodies to counteract what the other is doing, we are trying our best to do something that would.

Really, the same wording comes directly from the current City Council's Home Rule Act.

MR. SCHRAG: Not quite.

MR. LOVE: Well, the only difference is that the Council has had a habit of changing between first and second readings, sometimes making fairly drastic changes. The point of this is to let the public know what's going on in those 13 days and have a chance to have some effect on it.

So, by making the bill in identical form, that means that once they bring it out after the first reading, the public then has 13 days to get its act together, and it does not allow the Council to make some changes and kind of put it through on second reading. If they're going to make changes, they have to start all over again. So, it's our attempt to --

MR. KAMENY: Have another reading.

MR. LOVE: To have another reading, right.

MR. ROTHSCHILD: On that same line, is there a provision to do it quickly if it needs to be done? Is there an emergency that can avoid the two readings?

MR. LOVE: That's what (b) is.

MR. T. MOORE: That's what (b) is.

MR. ROTHSCHILD: Okay, okay.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: Thank you. Mr. President, I stand to offer an amendment to line 18. As I understand it -- and please, Mr. President, correct me if I'm wrong -- the entire section from the comma on line 18 through line 20 has been deleted.

MR. BALDWIN: Right.

MR. ROBINSON: Thank you, sir. I should like then to add an amendment to line 18 immediately after "laws" where we have placed a period, and state, sir, the following: "The yeas and nays on the final passage shall be entered into the journal." If you please, sir, I should like to speak to why I would like that entered.

(The motion was duly seconded.)

MR. BALDWIN: Proceed.

MR. SCHRAG: Point of order, Mr. Chair.

MR. BALDWIN: What's your point of order?

MR. SCHRAG: The point of order is that this has already been passed on lines 12 and 13 of the previous page.

MR. BALDWIN: Do you accept that rationale, delegate Robinson?

MR. ROBINSON: Thank you, sir. I accept that rationale. I withdraw the amendment.

MR. BALDWIN: Thank you.

Delegate Terrell, a motion is in order.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 16, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 16, as amended. Delegate

Bruning?

MR. BRUNING: This may be too late. I had an amendment, but it's too late.

MR. BALDWIN: Those in favor, signify by a show of hands.

MR. COOPER: Twenty-two.

MR. BALDWIN: Those opposed, likewise.

MR. COOPER: One.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 16 has been adopted, as amended. Section 17?

MR. TERRELL: Fellow delegates, I move the adoption of Section 17, as presented in the committee proposal.

MR. BALDWIN: Is there a minority report?

MR. TERRELL: To my knowledge, Mr. Vice President, there is no minority report.

MR. BALDWIN: Having heard none, discussion? Delegate Oulahan and delegate Simmons.

MR. OULAHAN: Mr. Chairman, I have filed an amendment with the Third Vice President. On line 3 of page 12, the second sentence, "The Governor may, by veto, strike or reduce items in appropriation bills" -- I move that the words "or reduce" be stricken from that language. So, it will read, "The Governor may, by veto, strike items in appropriation bills."

(The motion was duly seconded.)

MR. SCHRAG: Point of order, Mr. President.

MR. BALDWIN: State your point of order, please.

MR. SCHRAG: We have already adopted language on this section in the executive branch article, and I must say that not only is delegate Oulahan's motion out of order as a result of that, but part of the committee's motion is out of order as a result of that, too.

What we should do is strike certain language in the committee bill and let what we've done in the executive branch article stand because we already addressed the subject.

MS. JONES: Point of information.

MR. BALDWIN: Based on what delegate Schrag said, it would be out of order. Earlier, as you know, I instructed the secretary -- beginning tomorrow, we'll bring in all of the previously adopted material and we'll have it before us.

Delegate Jordan?

MR. JORDAN: Mr. Chairman, I had raised this question in previous sessions about these areas that were passed on by one committee and are passed on by another one. As I understand it, if another committee comes forward with another proposal, it could possibly be held out of order since another committee has adopted it. I just want to clarify it, Mr. Chairman; that's all I'm trying to do.

MR. BALDWIN: Yes, I understand, and that's a dilemma for a lot of us, delegate Jordan.

A point of order has been called for. Delegate Long?

MR. LONG: I have the same fear that delegate Jordan has expressed. I do not believe that it is correct for this body to assume or to hold that a motion on a new section is out of order just because it is in any way contradictory to a section from another article that we adopted previously.

If we look at rule 3.3 --

MR. BALDWIN: Delegate Long?

MR. LONG: Yes?

MR. BALDWIN: Thus far, we haven't done that, so we can proceed, then, and accept delegate Oulahan's motion and we'll go right along -- his amendment. So, you may state yours, delegate Oulahan, and see if there's any consensus.

MR. OULAHAN: Do I have a second?

(The motion was duly seconded.)

MR. OULAHAN: Thank you. Mr. Chairman, the purpose of the striking of the two words is as follows. The line-item authority of the governor is clear. If the governor can not only strike the items, but reduce the amounts in the budget, he has a stranglehold on the legislature. I believe he invades the power of the legislature.

The usual provision is merely to strike the item. If he can reduce the item, then there's no negotiation that can go on between the legislature and the governor as to what the proper amount of the line item should be. I believe that for proper balance of power between the executive and the legislature, the power of the governor to reduce a line item should be stricken from the constitution.

MR. BALDWIN: Discussion? Delegate Maguire?

MS. MAGUIRE: I think it would be very helpful to me, and probably the delegates, if delegate Schrag would address delegate Oulahan's motion by stating the inconsistencies that appear in this article and the executive and what -- how do I say it?

MR. BALDWIN: He has stated it earlier, but the problem is what delegate Jordan is saying and delegate Long. We don't have any proof, delegate Maguire, that that actually happened. We're saying, in the future, when one gets up and says it has been adopted, then he has to say such-and-such.

But the feeling of the delegates is saying that that might very well be true, but they would prefer that we deal with the present article, and if an inconsistency exists, then that would come up on the second reading, according to our rules.

MS. MAGUIRE: And that's not what we consider reconsideration?

MR. BALDWIN: No indeed. So, nothing would be lost, and I think that the sense of the delegation is right, so we will proceed.

The hands that I see should be speaking to the Oulahan amendment. Delegate Barnes and delegate -- are you withdrawing?

MR. BARNES: I'm not speaking to the Oulahan amendment.

MR. BALDWIN: Okay. Delegate Nahikian, are you speaking to the Oulahan amendment?

MS. NAHIKIAN: Yes. I would like to support delegate Oulahan's amendment because I think that it's important that, given the fact that we have a unicameral legislature, we've got to have some checks and balances and a balance of power between the executive and the legislative branch, particularly on appropriation bills.

I think by striking the words "or reduce," that solves the problem, and I would urge the delegates to support this amendment.

MR. BALDWIN: Further discussion?

MS. SHELTON: I rise in opposition to delete "or reduce" or "strike." I think that under the current system, the bill would still have to go back to the legislature, would it not?

MS. MASON: He doesn't have the power to reduce it.

MS. SHELTON: He can reduce the entire budget?

MS. MASON: He can't reduce line items.

MS. SHELTON: I still think that we have said in the Executive Committee that we want a strong governor and that we would allow him to make appropriate reductions. I think that any governor who was political, however, would not make any real reductions in an item unless he felt that it was in the interests of the overall budget. Therefore, I rise in support of the committee's original position on this matter.

MR. BALDWIN: Keep in mind, delegates, that the previous question has been called for. I saw your hand after the previous question was raised. Was it a point of clarification, delegate Mason?

MS. MASON: Thank you, Mr. Chairman; it is a point of clarification. I think that some members of the committee did not really realize that that was in there.

MR. BALDWIN: The court reporter states that she cannot hear.

MS. MASON: Fellow delegates, I think that some committee members did not realize that it was in the section as it is written. I know that for the present situation in the District of Columbia, the Mayor cannot reduce a budget in any form. He can only veto and send it back to the Council. I think that is also true of the President of the United States.

I think if you're talking about having a balanced government, you don't want the Mayor -- I want him to have enough power, but we don't want him to have the power to reduce the budget without the Council having any say at all after he has reduced it.

(Applause.)

MR. BALDWIN: Thank you. Delegate Barnes?

MR. BARNES: Yes. When will it be appropriate to make a substitute motion?

MR. BALDWIN: Not at this time. The previous question has been called for and we've only taken clarifying points.

Those in favor of adopting Section 17 -- I'm sorry. Oulahan's is to delete "or reduce." The sentence would then read, "The Governor may, by veto, strike items in appropriation bills." Those in favor of that amendment, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(There were two "nays.")

MR. BALDWIN: Abstentions?

(One hand was raised.)

MR. BALDWIN: The amendment was adopted. Delegate Terrell?

MR. TERRELL: Mr. Vice President, I move the adoption of Section 17, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 17, as amended. The question has been called for. Delegate Rothschild?

MR. ROTHSCHILD: "A bill becomes law if the Governor either signs or fails to veto it within 15 days of presentation." What if the governor is out of town? What if he's --

MR. LOVE: Too bad.

MS. FREEMAN: It becomes law.

MR. ROTHSCHILD: Too bad?

MR. TERRELL: That's right.

MR. BALDWIN: Is there further discussion? Delegate Barnes?

MR. BARNES: Yes. For purposes of clarification in the constitution, I am going to vote this section down because it mirrors the Executive Committee report.

MR. BALDWIN: Delegate Barnes, the secretary needs to get your -- was it a motion?

MR. BARNES: No. It could be a motion, but, no, it isn't.

MR. BALDWIN: Is there further discussion on Section 18?

MR. KAMENY: Seventeen.

MR. BALDWIN: The previous question has been called for. Those in favor of adopting Section 17, as amended, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(There was one "nay.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 17 has been adopted. Section 18?

MR. TERRELL: Fellow delegates, I move the adoption of Section 18, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report?

MR. TERRELL: Mr. Vice President, there is no minority report.

MR. BALDWIN: Delegate Nahikian?

MS. NAHIKIAN: Yes. Mr. Chairman, I would like to move an amendment on line 13 to say "of all of the members present and voting of the Legislature."

(The motion was duly seconded.)

MS. NAHIKIAN: The reason for my making this motion is because my concern is that with a unicameral body of 40 members, there would be a quorum established, obviously, and I think that this body, in some cases where we have a moving in and out of the number of delegates present -- if the only way the legislature can act after a governor vetoes is that two-thirds of all of the members have to be present to vote it out, I think that's unreasonable.

Consequently, I would say "of all of the members present and voting of the Legislature."

MR. BALDWIN: Delegates Barnes, Bruning, Freeman.

MR. BARNES: Yes. Delegate Bruning will speak for me.

MR. BRUNING: I wanted to speak in favor of the motion by delegate Nahikian. It is consistent with the language in Finance and Tax concerning the very issue of veto and overriding of vetoes. It would put both sections in conformity. We felt that two-thirds present and voting, by a decision within our committee, struck a proper balance between the ability of a governor to line-item veto versus the legislature to have some ability to override.

So, for that sense of balance, and also to have two committees come in conjunction with each other without conflict, I would urge the adoption of "two-thirds present and voting."

MR. BALDWIN: Delegates Freeman, Robinson and Maguire, in that order.

MS. FREEMAN: As a member of the Finance and Tax Committee, I also support what delegate Bruning said.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: I have a question, please, to ask of the committee, and my question is why, in this particular section, no mention was made of revenue and appropriation bills. In some constitutions, it is commonplace for revenue and bills of appropriation, although vetoed, to be able to become law by an affirmative action of two-thirds.

MR. BALDWIN: Will the committee respond?

MR. TERRELL: Delegate Jones will respond.

MS. JONES: I have to urge that you vote down the amendment because 14 people could override the governor with a quorum of 21, and it seems to me that it should be harder to override a veto since you've had a first chew on it before it went to the governor than for it to come back and you can do the same thing.

So, therefore, I urge you to vote down this amendment and adopt the language of the committee.

MR. BALDWIN: Delegate Maguire?

MS. JONES: I'm sorry. It also requires 27, which is a better number.

MR. SCHRAG: It takes 21 to pass it.

MR. BALDWIN: Delegate Maguire has a question.

MS. MAGUIRE: I call the previous question.

(The motion was duly seconded.)

MR. BALDWIN: We still had delegate Shelton's hand up prior to the calling of the previous question.

MS. SHELTON: I will not make it long, but I would remind the committee that because you do not have a bicameral government, you therefore have to set up all of these kinds of protections in order to protect the rights of the legislature.

MR. BALDWIN: The previous question has been called for. Those in favor of the amendment --

MR. ROTHSCHILD: Point of order. Are we discussing the voting?

MR. BALDWIN: Yes, on line 13.

MR. ROTHSCHILD: Thank you.

MR. BALDWIN: Those in favor of the amendment, signify by a show of hands.

MR. COOPER: Six.

MR. BALDWIN: Those opposed, likewise, a show of hands.

MR. COOPER: Sixteen.

MR. BALDWIN: Sixteen. The motion is adopted.

MR. COOPER: Any abstentions?

MR. BALDWIN: The amendment passed.

MR. SCHRAG: No; the amendment failed.

MR. COOPER: It failed. You didn't call for abstentions.

MR. BALDWIN: I'm sorry. It failed.

Is yours an amendment?

MR. B. MOORE: I'm just abstaining from the vote.

MR. BALDWIN: He wants to go on as having abstained from the voting.

MR. COOPER: Yes. We didn't call for the abstentions.

MR. BALDWIN: Okay.

MR. COOPER: Six in favor, 16 against.

MR. BALDWIN: And you had one abstention.

MR. COOPER: One?

MR. BALDWIN: Yes.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 18.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 18.

MR. COOPER: As amended.

MR. BALDWIN: Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 18 has been adopted. Section 19?

MR. TERRELL: Fellow delegates, I move the adoption of Section 19, as written in the committee's proposal.

(The motion was duly seconded.)

MR. BALDWIN: Is there a minority report, Mr. Terrell?

MR. TERRELL: Mr. Vice President, there is no minority report. The one that was submitted has been withdrawn.

MR. BALDWIN: Mr. Oulahan is approaching us with a question.

MR. OULAHAN: I have an amendment which was filed in accordance with our procedure, Mr. Chairman.

MR. KAMENY: I would like to ask a question when I'm recognized.

MR. BALDWIN: Sure. Delegate Oulahan?

MR. OULAHAN: Mr. Chairman, I move a substitute to the last sentence of this section. The section deals with an auditor. I have expanded the section to give some teeth to it and improve it. The substitute is as follows. "The auditor shall each year conduct a thorough audit of the accounts and operations of the state government and shall submit his or her audit reports to the governor and Senate. The Senate shall make such reports available to the public." That language comes from Section 455 of the Home Rule Act.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded. Discussion?

MR. OULAHAN: Mr. Chairman, I think the amendment speaks for itself. We know the importance of auditors' work. Matt Watson has been our auditor, and we certainly want to continue that work under the new government.

MR. BALDWIN: Is there a committee response to the amendment?

MR. TERRELL: Mr. Long.

MR. BALDWIN: Mr. Long?

MR. TERRELL: Well, either one of you.

MR. LOVE: As the delegates will probably notice, I had a minority report with a long, involved description of the post-auditor too. I have withdrawn my report because I think this is short and sweet and constitutional. I don't think we need any additional perfecting language, as is proposed by Courts' motion.

I think this adequately covers this, and I'd urge you to vote for the committee and vote against the Oulahan amendment.

MR. BALDWIN: Further discussion on the Oulahan amendment? Delegate Freeman?

MS. FREEMAN: I think the most significant addition of the Oulahan amendment is the fact that this audit shall be made available to the public. For that reason, if for no other reason, I urge the delegates to vote in favor of the Oulahan amendment.

MR. BALDWIN: Delegates Kameny and Bruning.

MR. KAMENY: Just a question. Can somebody please tell me what a post-audit is? I never heard of the term before. That's probably my own ignorance, but the words convey absolutely no meaning to me whatever, which means they will probably convey no meaning to the public, and therefore some language change should be made.

MR. BALDWIN: Let's get Oulahan's off first.

MR. KAMENY: No. His language is substituting for this, so in order for me to vote intelligently on his amendment, I need to know what it's amending.

MR. BALDWIN: Okay. Will the committee explain "post-audit?"

MR. OULAHAN: Mr. Chairman, there's no such word that exists in the English language, except where you get an audit by a CPA and then maybe somebody audits the auditor. The language is wrong. I'm sure the committee made an honest mistake.

MR. BALDWIN: Will the committee then, by consensus, agree to change "post-audit" and say "audit?"

MR. KAMENY: Well, tell me what it means.

MR. LOVE: "Post-audit" means audit after the money has been expended, and it's a traditional phrase that is used in states that have begun to develop this. This is a relatively new post. Its purpose is to give the legislature an accounting of how the executive is spending the money, and an independent accounting that is not dependent on the executive's reporting. That's what we mean by a post-audit.

MR. BALDWIN: Has the committee seen this language in any other constitution?

MR. LOVE: The model constitution, among others.

MR. BALDWIN: The model constitution?

MR. LOVE: Alaska and several others.

MR. TERRELL: Hawaii.

MR. BALDWIN: Delegate Street?

MS. STREET: What I wanted to say is the language is in the model constitution.

MR. BALDWIN: Thank you very much.

Further discussion on the amendment?

(No response.)

MR. BALDWIN: Having heard none, those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Oulahan amendment has been adopted. Mr. Terrell?

MR. TERRELL: Mr. Vice President, I move the adoption of Section 19, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 19, as amended. Discussion?

(No response.)

MR. BALDWIN: Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 19 has been adopted. Section 20?

MR. TERRELL: Fellow delegates, I move the adoption of Section 20 with one minor change that the committee has agreed to, and that is to delete the words in line 23 "or judicial," the rationale being that in the judicial branch article judges are appointed. And in the executive branch, we agreed as a body that judges shouldn't be subject to legislative advice and consent.

MR. BALDWIN: So, we're dealing strictly with the executive branch. Is that what you're saying?

MR. TERRELL: Yes.

MR. BALDWIN: You're deleting "or judicial?"

MR. TERRELL: Yes, the words "or judicial."

MR. BALDWIN: Okay. Is there discussion on Section 20?

(No response.)

MR. BALDWIN: Is there discussion on Section 20?

MR. ROBINSON: I have a question.

MR. BALDWIN: Question?

MR. ROBINSON: Yes.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: I would like to ask the committee, why is it that all civil officers are not subject to impeachment?

MR. BALDWIN: Will someone from the committee respond to delegate Robinson's question?

(Pause.)

MR. BALDWIN: Mr. Terrell, can someone respond to delegate Robinson's question?

MR. T. MOORE: We discussed this question very thoroughly, delegate Robinson, and we concluded that we would not use the words "civil officers" because we really didn't have the precise definition of "civil officers" in this sense. To me, a civil officer means any officer that can be fired, and not necessarily an officer in the executive branch. So, this was one reason why we did not use the words "civil officers."

MR. ROBINSON: Thank you.

MR. BALDWIN: Delegate Shelton?

MS. SHELTON: Are we talking about the governor, and what did we call the second person?

MR. BALDWIN: The secretary of state.

MS. SHELTON: And the secretary of state here? Those are the two people who are considered "executive branch?"

MR. BALDWIN: Right.

MS. SIMMONS: The governor is not subject to approval by the Senate. The governor is elected by the people.

MS. SHELTON: That's what I was trying to figure out.

MS. SIMMONS: And so is the secretary of state.

MS. SHELTON: That's what I was trying to figure out. You carry on.

MS. SIMMONS: Mr. President, may I respond to her inquiry?

MR. BALDWIN: Yes, you may, as chairman of the Executive Branch Committee.

MS. SIMMONS: I think the point that she's making is that this is confined exclusively to those appointments which are made with approval and advice and consent anyway; all appointments are. The impeachment, we did not provide for. We said that we would permit impeachment to be as legislated.

So, the only offices you're talking about are the principal department heads and boards and commissions.

MR. ROTHSCHILD: Civil officers.

MS. SIMMONS: That is correct.

MS. SHELTON: If that is the point, I'd like to have a statement of opposition to this section, once it's clarified.

MS. MAGUIRE: Point of information, point of information. Although heads of departments, we voted in the executive branch, are subject to advice and consent of the legislature, removal of heads of departments could be done by the governor without consent of the legislature. So, it would be an inconsistency that they could be impeached by the legislature because they can be removed by the governor without the advice and consent of the legislature.

MR. BALDWIN: I think if you were to read the attached report, maybe what the committee needs to do is be a little more specific. It says, "Section 20 provides for the impeachment of high officials of the executive and judicial branch." If you clear that up, that you're not speaking about the governor and the secretary of state or the judges, then that would suffice, I think.

MS. SIMMONS: I have a new understanding, Mr. Vice President, which I'd like to share.

MR. BALDWIN: Delegate Simmons?

MS. SIMMONS: It is the conjunction "or" which does make this appropriate.

MR. BALDWIN: Okay.

MS. SIMMONS: The governor and the secretary of state, as our document now stands, are elected officials, and this speaks to both elected or appointed. So, both are covered and this is absolutely appropriate; no inconsistency.

MR. BALDWIN: Delegate Kameny and delegate Bruning.

MR. KAMENY: Thank you, Mr. Chair. This question may have been asked before. I was speaking to somebody on another matter at the outset of this; if so, I apologize. Why are not legislators subject to impeachment as well? Why do we exempt them from the process?

MR. OULAHAN: Mr. Chairman, may I answer that?

MR. BALDWIN: Delegate Oulahan says he can answer that.

MR. OULAHAN: Mr. Chairman, the reason why legislators are not impeached is because each legislative body adopts rules which govern the conduct of its members and whether or not the members shall be expelled.

MR. TERRELL: That's correct.

MR. OULAHAN: That is an impeachment process in itself.

MS. SIMMONS: It's called self-regulation.

MR. BALDWIN: Delegate Bruning?

MR. BRUNING: I'm sorry. This is a point of information, I guess, or clarification. It's my understanding that the committee's language on impeachment means that neither the governor nor the secretary of state are impeachable.

MS. SHELTON: No.

MS. MAGUIRE: No.

MS. SIMMONS: We just explained that, Bruning.

MR. BALDWIN: We just explained it. Delegate Simmons, try again.

MR. BRUNING: I was simply asking if that was the committee's understanding when they wrote this.

MR. SCHRAG: The impeachable officers in this section included the governor, the secretary of state, any other elected officials who may be provided for by amendments to the constitution, because those might not always be the only people who are elected, and any appointed executive branch officials whose appointments are subject to the consent of the Senate.

MR. BRUNING: Then the governor and the secretary of state are impeachable people?

MS. SIMMONS: Yes.

MR. SCHRAG: Yes.

MR. BRUNING: Thank you.

MR. BALDWIN: Delegate Robinson?

MR. ROBINSON: Mr. President, I move the previous question.

(The motion was duly seconded.)

MS. SHELTON: Mr. Chair?

MR. BALDWIN: Delegate Shelton?

MS. SHELTON: I have some serious opposition to the section on impeachment for persons who are appointed by the governor. First of all, you have reduced the governor's power, therefore subjecting an executive staff member who is appointed by the governor to impeachment by another body of officers.

I think we should leave the section to include elected officers to tie in with the powers that we invested in the governor in the section on that. I would like, if the body feels supportive of that, to propose an amendment.

MS. SIMMONS: Deletion.

MS. SHELTON: Deletion of that.

(The motion was duly seconded.)

MR. BALDWIN: First, state the language.

MR. TERRELL: What line?

MS. SHELTON: I'm on, I guess, the line on appointments.

MS. MAGUIRE: Twenty-four.

MR. BALDWIN: Line 24?

MS. SHELTON: Yes, "or whose appointment is subject to the consent of the Senate."

(The motion was duly seconded.)

MR. BRUNING: Repeat it again.

MS. SHELTON: Line 24, beginning after the comma, "or whose appointment is subject to the consent of the Senate" -- all language in between the commas should be deleted.

MR. BALDWIN: It has been moved and properly seconded that on line 24 and 25, we delete "or whose appointment is subject to the consent of the Senate." Discussion? Delegate Maguire?

MS. MAGUIRE: I'd like to support that. As I previously stated, in the executive branch article the governor has the power to remove those appointments.

MR. BALDWIN: Mr. Terrell, will a member of your committee respond?

MR. TERRELL: Yes. Mr. Moore will respond.

MR. BALDWIN: Delegate Talmadge Moore?

MR. T. MOORE: I speak against it because we drew all this information from the model constitution, if you have one there, on impeachment, on page 9. It states that the legislature may impeach the governor, the heads of principal departments, judicial officers, and such other officers of the state as may be made subject to impeachment by law, et cetera, et cetera.

So, we received most of our language, delegate Shelton, from the model constitution and I just wanted to refer you to this as to the reason for our language that we used.

MR. BALDWIN: Delegate Barnes and delegate Cooper.

MR. BARNES: I move the previous question.

MR. BALDWIN: Delegate Cooper, and then we'll vote.

MR. COOPER: I just wanted to respond to what delegate Moore was saying. Although you did draw the language from the model constitution, the executive article in the model constitution doesn't look precisely like our executive article. There is no conflict in the model constitution; that's why it is a good model.

However, we are working out our own constitution here, and we can't gear ourselves down a single path, looking at the model. We have to think about the articles that we have adopted here and our own thoughts because the model constitution just does not apply.

MR. BALDWIN: Thank you. As you know, the previous question had been called for and we allowed you to raise that point. Thank you.

Those in favor of the amendment to delete "or whose appointment is subject to the consent of the Senate," signify by a show of hands.

MR. COOPER: We have a really disruptive research assistant.

MR. BALDWIN: I've been noticing that the last three nights. We've got to tell Dr. Austin about that.

MR. COOPER: This guy is disrupting the votes.

MR. BALDWIN: He's been doing it all week.

MR. COOPER: Eleven.

MR. BALDWIN: Those opposed?

MR. COOPER: Thirteen.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The Shelton amendment was rejected. Delegate Terrell, you may offer your motion.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 20 with, of course, the deletion of the words "or judicial."

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 20, as amended.

MS. SIMMONS: It wasn't amended.

MR. BALDWIN: No amendment?

MR. TERRELL: We deleted two words.

MR. BALDWIN: Will the chairman state the motion again, please?

MR. TERRELL: Mr. Vice President, I move the adoption of Section 20, and I clearly stated that it would be adopted as written, with the exception of the words "or judicial" in line -- I didn't say the line -- line 23.

MR. BALDWIN: Can't you say as amended by consent?

MR. TERRELL: Fine, as amended.

MR. BALDWIN: Therefore, the motion is to adopt Section 20. Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(One hand was raised.)

MR. BALDWIN: Section 20 has been adopted.

MR. TERRELL: Fellow delegates, I move the adoption of Section 21, as written in the committee proposal.

(The motion was duly seconded.)

MR. BALDWIN: Was there a minority report?

MR. TERRELL: Mr. Vice President, there was no minority report.

MR. BALDWIN: The Chair has one amendment, the Freeman amendment.

MS. FREEMAN: Mr. Chair, I move that we add to Section 21 the following language: "A member of the legislature who has a personal or private interest in any bill proposed or pending before the legislature shall disclose this fact to the secretary and shall not vote on said bill."

(The motion was duly seconded.)

MR. BALDWIN: Mr. Secretary, do you have that amendment?

MR. COOPER: No. Could she submit it in writing?

MR. BALDWIN: He does not. Will you submit it in writing?

MS. FREEMAN: Yes, I will submit it in writing.

MR. BALDWIN: Does everyone understand the amendment?

MS. SIMMONS: Yes.

MR. BALDWIN: We'll ask the committee to respond. Delegate Schrag?

MR. SCHRAG: Mr. President, the committee debated -- may I have the attention of the delegates, please?

The committee debated this issue. This was not an oversight. We were in agreement with the general intent of this type of idea, but as we looked at it in detail, we discovered it had some problems, and the problems have to do with defining what a financial interest is.

For example, is one share of stock a financial interest, worth $20? Is a child of a legislator who owns one share of stock or ten shares of stock -- is that a sufficient financial interest?

As we looked at it, we came to the conclusion that this was a proper subject to be dealt with; this was a proper sort of rule, but it had to be dealt with by rule or by legislation. It is too complicated to deal with in a constitution. Once you get into this area, you start having to write very detailed rules and regulations. Otherwise, you start covering all kinds of trivial cases and you get legislators disqualified from being able to vote on legislation because they have a truly trivial interest in the matter, such as they are a depositor in a bank or they own one share of stock or they are a member of a mutual cooperative society, or something of this sort.

We decided that this was a good idea, but that it should be left to legislation.

MR. BALDWIN: Delegate Nahikian?

MS. NAHIKIAN: Yes. Mr. Baldwin, I would like to add a friendly amendment, just to add four words so that it would read, "A member of the legislature who has a personal" --

MS. SIMMONS: Read just the four words first.

MS. NAHIKIAN: The four words are to insert after "interest," "as defined by law, in any bill proposed or pending."

MR. BALDWIN: Ms. Freeman, do you accept it?

MS. FREEMAN: Yes, I do.

MR. BALDWIN: Okay.

MS. NAHIKIAN: I would just like to point out that I think that the delegates ought to know that eleven other states use this language in their constitutions, and it makes it very clear that if you're a legislator and if you have a private interest in a bill, you have to disclose it.

By adding the language "as defined by law," you can clarify the problems that delegate Schrag would make you think were going to happen every five minutes; that just because you have a bank account means you can't vote on a depository law, which is just not the case. Thank you.

MR. BALDWIN: I would like to say to my fellow delegates at this time that we have ten minutes. We'd like to complete this article so that tomorrow morning at 8:30, we would begin with a new article. The committee does have a very short amendment they say they would like to present to you, if you'll buy it. So, we'd like to move along.

Is there further discussion on Section 21?

MS. SIMMONS: I call the previous question.

MR. BALDWIN: The previous question has been called for.

MR. COOPER: We have Nahikian's amendment.

MS. SIMMONS: On the amendment.

MR. BALDWIN: On the amendment, those in favor of the amendment, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Opposed, nay.

(There were two "nays.")

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The amendment was adopted. Delegate Terrell, the motion, as amended?

MR. SCHRAG: Point of order.

MR. BALDWIN: Point of order?

MR. SCHRAG: What we just adopted was the Nahikian amendment to the Freeman amendment, right?

MR. LOVE: No. That was a friendly amendment.

MS. SIMMONS: No; that was accepted.

MR. BALDWIN: It was accepted. Only one amendment was on the floor.

MR. TERRELL: Mr. Vice President, I move the adoption of Section 21, as amended.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt Section 21, as amended. Discussion?

(No response.)

MR. BALDWIN: Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Those opposed, nay.

(No response.)

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: Section 21 has been adopted.

We'll ask you whether or not you want to entertain -- it's a very simple amendment, they say. Read it first and they will determine whether or not they will --

MR. TERRELL: Okay. The section reads, "No legislator shall forfeit his or her seat solely by reason of a change in legislative district boundaries."

MS. SIMMONS: No, no.

MR. ROTHSCHILD: No.

MR. BALDWIN: Delegate Simmons?

MS. SIMMONS: In the hour and eleven minutes that we have been in session, we have completed eleven sections. I commend this body for their perseverance and the accomplishment of this night in the last one hour and eleven minutes.

(Applause.)

MR. KAMENY: What happened to the amendment?

MR. TERRELL: I withdraw the amendment.

MR. BALDWIN: He has withdrawn that one.

MR. LOVE: I have one section of my minority report.

MR. BALDWIN: Just one second. Delegate Love has informed us that he has one section of his minority report that wasn't dealt with.

MR. LOVE: Fellow delegates, I have one final section that I'd like to make Section 22. It basically is on regulation of lobbyists. As you know, one of the big problems is lobbyists and whether they are regulated or not. It's very simple; it reads, "The legislature shall regulate by law the registration, disclosure of registration, and disclosure of expenditures and salaries of persons involved in lobbying the legislature."

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt the Love amendment. Delegate Kameny?

MR. KAMENY: Yes. I rise to object to that amendment, as stated, because it doesn't say what a lobbyist is. Suppose he goes and talks to a legislator; he's lobbying. Does he have to make a full disclosure?

MR. LOVE: It will define it in the law.

MR. KAMENY: That's too vague.

MR. BALDWIN: Is there further discussion? Delegate Garner?

MR. GARNER: Move the previous question.

MR. BALDWIN: The previous question has been called for. Those in favor of the Love amendment, signify by a show of hands.

MR. LOVE: Alexa, raise your hand.

MS. FREEMAN: I do have my hand up.

MR. COOPER: Ten.

MR. BALDWIN: Ten. Those opposed?

MR. COOPER: Twelve.

MR. BALDWIN: Abstentions?

(No response.)

MR. BALDWIN: The amendment was rejected. Delegate Oulahan?

MR. OULAHAN: Point of personal privilege, Mr. Chairman. I want it understood that I've enjoyed tonight; I think our executive article is one of the best we've done.

MR. LOVE: Legislative.

MR. TERRELL: Legislative.

MR. OULAHAN: Wait a minute. I want the record to be clear.

MR. T. MOORE: We have to move the article.

MR. KAMENY: We still have some business.

MR. SCHRAG: Point of order. Mr. Oulahan is speaking.

MR. T. MOORE: We've got to move the whole article.

MR. OULAHAN: I want the record to be clear, however, that because of basic differences of the size of the unicameral legislature and the failure to put a lid on full-scale salaries, I do not approve the amendment in whole, even though I commend my fellow delegates for doing a good job with the article.

MR. BALDWIN: Thank you. Let's go on record adopting or rejecting the article.

MR. TERRELL: Mr. Vice President, I just wanted to say quickly to the Legislative Committee and those who are absent, thank you for all your hard work and for all of your perseverance and your support.

Mr. Vice President, I move the adoption of the amended article -- and Mr. Alan Boyd -- I move the adoption of the amended article on the legislature, as presented by the Committee on the Legislative Branch.

(The motion was duly seconded.)

MR. BALDWIN: It has been moved and properly seconded that we adopt the article on legislation, as amended. Those in favor, signify by saying yes.

(A chorus of "yeses.")

MR. BALDWIN: Discussion? Brian Moore, and Rothschild.

MR. B. MOORE: Yes. I'd like to just state that I think that through the whole article, it was really quite a group effort. But I'm really concerned about the size of the legislature and the open-endedness of the time or the terms. I think it's going to have extreme difficulty being accepted by the public and by the Congress, and I have strong reservations.

I will not stand in the way of the approval of this article, but I will abstain from voting for it.

MR. BALDWIN: Delegate Rothschild?

MR. ROTHSCHILD: Yes. I'd like to also say that although we have a lot of good features in the article, I am disturbed with the fact that we have 40 legislators that are dealing with little bits and pieces of the state, and I don't think we have enough intrweaving effect, and the fact that we only have one house acentuates that fact. So, I'm afraid we're going to get a very small-thinking legislature with parochial interests that maybe will operate in a similar fashion to this convention, and not operate with a good overview of things.

So, I will abstain also, out of respect for the group, but I find problems with it.

MR. KAMENY: Move a substitute motion.

MR. BALDWIN: We'd like to complete our voting.

Those who oppose?

(No response.)

MR. COOPER: Well, we've got to get those in favor.

MR. BALDWIN: We did it by "yes."

Abstentions?

(Two hands were raised.)

MR. BALDWIN: Therefore, the article on the legislature, as amended, has been adopted.

(Applause.)

MR. BALDWIN: Is there a motion to adjourn?

MR. COOPER: So move.

(Whereupon, at 10:56 p.m., the Convention was adjourned.)